

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14798 of Ali and Farideh Nademin, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the rear yard requirements (Sub-section 404.1), a variance to allow a subdivision to create a record lot that does not meet the minimum lot area requirements (Sub-section 101.6), and a variance to create a record lot without the required street frontage (Sub-section 401.6) to allow a proposed subdivision and construction of a single-family dwelling in an R-1-B District at premises 5039 Weaver Terrace, N.W., (Square E-1437, Lot 26).

HEARING DATE: May 25, 1988
DECISION DATE: June 1, 1988

DISPOSITION: The Board DENIED the application by a vote of 5-0 (William F. McIntosh, Carrie L. Thornhill, and Paula L. Jewell to deny; John G. Parsons and Charles R. Norris to deny by proxy).

FINAL DATE OF ORDER: August 31, 1989

ORDER

The subject application was heard on May 25, 1988. At its public meeting of June 1, 1988, the Board voted unanimously to deny the application. By letter dated November 2, 1988, the applicants requested the Board to waive its Rules to accept a motion for rehearing of the application prior to the issuance of the Board's final order. At its public meeting of December 7, 1988, the Board denied the request as untimely filed. The final order was issued on August 31, 1989.

By letter dated September 13, 1989, the applicants filed a timely motion for rehearing or reconsideration of the Board's denial of the application. The bases for the request are generally summarized as follows:

- a. The Board erred in finding that the surrounding

properties meet or exceed the minimum lot area requirements; in accepting the Office of Planning's opinion that the subject property is not unique; and in accepting the ANC report as indicative of community response to the proposal.

- b. Subsequent to the public hearing, the applicants modified their proposal to request a theoretical subdivision, thus reducing the number of variances required. In addition, the applicants filed with the Surveyor's Office for partial closing of the street and alley adjacent to the subject site which, if granted, would further decrease the amount of variance relief required.

There were no responses submitted to the applicants' motion.

The Board notes that the applicants' proposed modifications as to the type of relief sought and the impacts of the requested alley closing on the applicants' proposal represent information which was not reviewed by the Zoning Administrator in determining the relief sought in the instant case. Substantial changes in the relief sought by the applicants must be presented to the Zoning Administrator for review and analysis. Based on the outcome of the Zoning Administrator's review, the applicants have the option of processing a new application before the Board or seeking additional modification which would eliminate the need for variance relief entirely.

Upon consideration of the applicants' motion, the evidence of record, and its final order, the Board concludes that it has made no error in deciding the application. The Board concludes that its Findings of Fact were based on the evidence of record and testimony presented at the public hearing and the arguments put forward by the applicant are not persuasive. It is therefore ORDERED that the motion for reconsideration or rehearing is DENIED.

DECISION DATE: October 4, 1989


VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons to deny by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 14798

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ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NOV 29 1992

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14798order/BHS14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14798

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated NOV 29 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

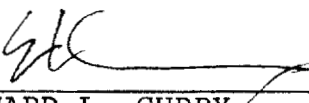
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Joseph D. Murphy, Chairperson
Advisory Neighborhood Commission 3-D
P.O. Box 40846, Palisades Station
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EDWARD L. CURRY
Executive Director

DATE: NOV 29 1989